

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN ASSEMBLY JUNE 1, 2005

AMENDED IN ASSEMBLY MAY 16, 2005

AMENDED IN ASSEMBLY APRIL 28, 2005

AMENDED IN ASSEMBLY APRIL 12, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## ASSEMBLY BILL

**No. 938**

**Introduced by Assembly Member Umberg**  
**(Coauthor: Assembly Member Leno)**  
*(Coauthor: Senator Bowen)*

February 18, 2005

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An act to add Section 84204.5 to the Government Code, relating to the Political Reform Act of 1974.

### LEGISLATIVE COUNSEL'S DIGEST

AB 938, as amended, Umberg. Campaign expenditure disclosures.

Existing provisions of the Political Reform Act of 1974 require committees receiving or making contributions or expenditures above specified threshold amounts to report those contributions and expenditures, as well as other specified information, at times and places specified in the act. The act requires certain of these committees, by virtue of receiving or making contributions or expenditures above generally higher threshold amounts, to file the reports required by the act online or electronically. Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would require committees that receive contributions totaling more than \$1,000 in a calendar year and that are required under existing law to file online or electronically to also file a report online or electronically disclosing contributions or *independent expenditures* totaling \$10,000 or more to support or oppose the qualification or passage of a single state ballot measure, and disclosing other specified information, within 10 business days of making ~~the expenditure~~ *a contribution or independent expenditure*. The bill would specify that reports required by this provision are not required to be filed by a committee primarily formed to support or oppose the qualification or passage of a state ballot measure for expenditures made on behalf of the ballot measure or measures for which it is formed. It would also exempt from disclosure pursuant to these provisions independent expenditures disclosed pursuant to other specified provisions.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act by a statute that becomes effective only when approved by the electors or, alternatively, by a bill that furthers the act's purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill would require the Secretary of State to submit its provisions for approval to the voters at ~~a the June 6, 2006~~, statewide *primary election, as specified*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 84204.5 is added to the Government  
2     Code, to read:  
3     84204.5. (a) In addition to any other report required by this  
4     title, a committee pursuant to subdivision (a) of Section 82013  
5     that is required to file reports pursuant to Section 84605 shall file  
6     online or electronically with the Secretary of State each time it  
7     makes contributions totaling ten thousand dollars (\$10,000) or  
8     more or each time it makes independent expenditures totaling ten  
9     thousand dollars (\$10,000) or more to support or oppose the  
10    qualification or passage of a single state ballot measure. The  
11    report shall be filed within 10 business days of making the

1 contributions or independent expenditures and shall contain all of  
2 the following:

3 (1) The full name, street address, and identification number of  
4 the committee.

5 (2) The number or letter of the measure if the measure has  
6 qualified for the ballot and has been assigned a number or letter;  
7 the title of the measure if the measure has not been assigned a  
8 number or letter but has been issued a title by the Attorney  
9 General; or the subject of the measure if the measure has not  
10 been assigned a number or letter and has not been issued a title  
11 by the Attorney General.

12 (3) In the case of a contribution, the date and amount of the  
13 contribution and the name, address, and identification number of  
14 the committee to whom the contribution was made. In addition,  
15 the report shall include the information required by paragraphs  
16 (1) to (5), inclusive, of subdivision (f) of Section 84211,  
17 regarding contributions or loans received from a person  
18 described in that subdivision, covering the period from the day  
19 after the closing date of the last campaign report filed to the date  
20 of the contribution requiring a report under this section, or if the  
21 committee has not previously filed a campaign statement,  
22 covering the period from the previous January 1 to the date of the  
23 contribution requiring a report under this section. No information  
24 described in paragraphs (1) to (5), inclusive, of subdivision (f) of  
25 Section 84211 that is required to be reported pursuant to this  
26 subdivision is required to be reported in more than one report  
27 provided for in this subdivision for each contribution or loan  
28 received from a person described in subdivision (f) of Section  
29 84211.

30 (4) In the case of an independent expenditure, the date,  
31 amount, and a description of the goods or services for which the  
32 expenditure was made. In addition, the report shall include the  
33 information required by paragraphs (1) to (5), inclusive, of  
34 subdivision (f) of Section 84211 regarding contributions or loans  
35 received from a person described in that subdivision, covering  
36 the period from the day after the closing date of the last  
37 campaign report filed to the date of the expenditure, or if the  
38 committee has not previously filed a campaign statement,  
39 covering the period from the previous January 1 to the date of the  
40 expenditure. No information described in paragraphs (1) to (5),

1 inclusive, of subdivision (f) of Section 84211 that is required to  
2 be reported pursuant to this subdivision is required to be reported  
3 in more than one report provided for in this subdivision for each  
4 contribution or loan received from a person described in  
5 subdivision (f) of Section 84211.

6 (b) Reports required by this section are not required to be filed  
7 by a committee primarily formed to support or oppose the  
8 qualification or passage of a state ballot measure for expenditures  
9 made on behalf of the ballot measure or measures for which it is  
10 formed.

11 (c) Independent expenditures that have been disclosed by a  
12 committee pursuant to Section 84204 or 85500 are not required  
13 to be disclosed pursuant to this section.

14 SEC. 2. The Secretary of State shall, pursuant to subdivision  
15 (b) of Section 81012 of the Government Code, submit Section 1  
16 of this act for approval to the voters at the ~~first statewide election~~  
17 ~~held following adoption of this bill by the Legislature, June 6,~~  
18 *2006, statewide primary election*, notwithstanding Section 9040  
19 of the Elections Code.